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EXAMINER

COUSO, J

ART UNIT

PAPER NUMBER

2616

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action SummaryApplication No.
08/649,419

Applicant(s)

Rhoads

Examiner

Jose L. CousoGroup Art Unit
2616☒ Responsive to communication(s) filed on 7/22/96 and 3/7/97☐ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims☒ Claim(s) 2-11 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.☒ Claim(s) 2-11 is/are rejected.☐ Claim(s) _____ is/are objected to.☐ Claims _____ are subject to restriction or election requirement.**Application Papers**☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on _____ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been☐ received.☐ received in Application No. (Series Code/Serial Number) _____.☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7, 9, 11☐ Interview Summary, PTO-413☐ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The numbering of claims is not accordance with 37 CFR 1.126. The original numbering of the claims must be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When claims are added, except when presented in accordance with 37 CFR 1.121(b), they must be renumbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-10 been renumbered 2-11.

2. Applicant should supply a copy of the references cited on the three separate IDS, filed 1/31/97, 5/5/97 and 7/14/97 respectively, as copies are not readily available to the examiner. The IDS will be considered fully when copies are submitted.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of

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section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 2-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Powell et al.

Powell et al. disclose a method and system for digital image signatures.

As to claim 2, Powell et al. provide for automatically downloading data, including empirical data sets, from a plurality of computer sites over the Internet (refer for example to page 2, lines 8-13 and page 3, lines 21-34); for each of a plurality of empirical data sets obtained by the downloading operation, automatically screening same to identify the potential presence of identification data steganographically embedded therein (refer for example to page 5, lines 15-50); for each of a plurality of empirical data sets screened by the screening operation, discerning identification data, if any, steganographically encoded therein (refer for example to page 5, line 51 through page 6, 14); and generating a report identifying steganographically empirical data sets identified by the foregoing steps, and the site from which each was downloaded (refer for example to page 2, lines 8-23 and page 5, lines 12-18).

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In regard to claim 3, Powell et al. provide for including a master code signal, and using the code signal in discerning the steganographically encoded identification data from the screened empirical data sets (refer for example to page 5, line 36 through page 6, line 14).

With regard to claim 4, Powell et al. provide for the master code signal to have the appearance of unpatterned snow if represented in the pixel domain (see figures 2, 3 and 5).

As to claim 5, Powell et al. provide for discerning of identification data from the downloaded empirical data to be accomplished without previous knowledge of the audio, image, or video information represented therein (refer for example to page 5, line 36 through page 6, line 14).

In regard to claim 6, Powell et al. provide for including identifying proprietors of empirical data sets by reference to identification data steganographically discerned therefrom, and reporting to the proprietors the sites from which their empirical data sets were downloaded (refer for example to page 2, lines 8-23 and page 5, lines 12-18).

With regard to claim 7, Powell et al. provide for the identification data to include information in addition to data identifying the proprietor, and the method includes providing the

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additional data to the proprietors (refer for example to page 2, lines 8-23 and page 5, lines 12-18).

As to claim 8, Powell et al. provide for the identification data is a serial number index to registry database containing names and contact information for proprietors identified by the identification data (refer for example to page 2, lines 8-23 and page 5, lines 12-18).

In regard to claim 9, Powell et al. provide for the empirical data to include image data (as shown in figures 2, 3 and 5); and the method includes converting the image data to pixel form, if not already in the form (as shown in figure 2, 3 and 5); and performing a plurality of statistical analyses on the pixel form image data to discern the identification data therefrom (refer for example to page 5, line 36 through page 6, line 14).

With regard to claim 10, Powell et al. provide for each statistical analysis to include analyzing a collection of spaced apart pixels to decode a single, first bit of the identification data therefrom, the analysis to decode the first bit encompassing not just the spaced apart pixels, but also pixels adjacent thereto, the adjacent pixels not being encoded with the first bit (refer for example to page 5, line 36 through page 6, line 14).

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As to claim 11, Powell et al. provide for providing a master code signal useful for detecting steganographic coding within empirical data sets (refer for example to page 5, line 36 through page 6, line 14); automatically downloading data, including empirical data sets, from a plurality of computer sites over the Internet (refer for example to page 2, lines 8-13 and page 3, lines 21-34); for each of a plurality of empirical data sets obtained by the downloading operation, discerning certain identification data, if any, steganographically encoded therein, the discerning employing the master code signal as a decoding key (refer for example to page 5, lines 15 through page 6, 14); and generating a report identifying steganographically empirical data sets identified by the foregoing steps, and the site from which each was downloaded (refer for example to page 2, lines 8-23 and page 5, lines 12-18).

5. Claims 2-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Stefik et al. ('980).

Stefik et al. ('980) disclose a system for controlling the distribution and use of digital works.

As to claim 2, Stefik et al. ('980) provide for automatically downloading data, including empirical data sets, from a plurality of computer sites over the Internet (see figure

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1 : 104 and figures 2-3); for each of a plurality of empirical data sets obtained by the downloading operation, automatically screening same to identify the potential presence of identification data steganographically embedded therein (refer for example to column 26, lines 38-47); for each of a plurality of empirical data sets screened by the screening operation, discerning identification data, if any, steganographically encoded therein (refer for example to column 26, lines 62 through column 32, line 42); and generating a report identifying steganographically empirical data sets identified by the foregoing steps, and the site from which each was downloaded (refer for example to column 17, lines 1-67).

In regard to claim 3, Stefik et al. ('980) provide for including a master code signal, and using the code signal in discerning the steganographically encoded identification data from the screened empirical data sets (refer for example to column 26, lines 38-47).

With regard to claim 4, Stefik et al. ('980) provide for the master code signal to have the appearance of unpatterned snow if represented in the pixel domain (refer for example to column 26, line 63 through column 27, line 9).

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As to claim 5, Stefik et al. ('980) provide for discerning of identification data from the downloaded empirical data to be accomplished without previous knowledge of the audio, image, or video information represented therein (refer for example to column 27, line 43 through column 29, line 41).

In regard to claim 6, Stefik et al. ('980) provide for including identifying proprietors of empirical data sets by reference to identification data steganographically discerned therefrom, and reporting to the proprietors the sites from which their empirical data sets were downloaded (refer for example to column 9, line 7 through column 11, line 29).

With regard to claim 7, Stefik et al. ('980) provide for the identification data to include information in addition to data identifying the proprietor, and the method includes providing the additional data to the proprietors (refer for example to column 9, line 7 through column 11, line 29 and see Table 1).

As to claim 8, Stefik et al. ('980) provide for the identification data is a serial number index to registry database containing names and contact information for proprietors identified by the identification data (see figures 5-10).

In regard to claim 9, Stefik et al. ('980) provide for the empirical data to include image data (as shown in figure 6 for

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example); and the method includes converting the image data to pixel form, if not already in the form (see figure 4a for example); and performing a plurality of statistical analyses on the pixel form image data to discern the identification data therefrom (refer for example to column 17, line 62 through column 26, line 35).

With regard to claim 10, Stefik et al. ('980) provide for each statistical analysis to include analyzing a collection of spaced apart pixels to decode a single, first bit of the identification data therefrom, the analysis to decode the first bit encompassing not just the spaced apart pixels, but also pixels adjacent thereto, the adjacent pixels not being encoded with the first bit (refer for example to column 17, line 62 through column 26, line 35).

As to claim 11, Stefik et al. ('980) provide for providing a master code signal useful for detecting steganographic coding within empirical data sets (refer for example to column 26, line 63 through column 27, line 29); automatically downloading data, including empirical data sets, from a plurality of computer sites over the Internet (see figure 1 : 104 and figures 2-3); for each of a plurality of empirical data sets obtained by the downloading operation, discerning certain identification data, if any,

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stegano-graphycally encoded therein, the discerning employing the master code signal as a decoding key (refer for example to column 26, lines 62 through column 32, line 42); and generating a report identifying steganographically empirical data sets identified by the foregoing steps, and the site from which each was downloaded (refer for example to column 17, lines 1-67).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Virga, Braudaway et al., Curry, Smithies et al. ('255) and ('017), Chen et al., Bestler et al., Stefik et al. ('443), Rubin, Houser et al., Hoffman et al., Rhoads, and Goodman et al. all disclose systems similar to applicant's.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jose L. Couso whose telephone number is (703) 305-4774. The examiner can normally be reached on Monday through Friday from 7:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached on (703) 305-4706. The fax phone number for this Group is (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-8576.

jlc
September 18, 1997


JOSE L. COUSO
PRIMARY EXAMINER
GROUP 2600